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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,807	11/16/2001	Gil Gavriel Dudkiewicz	051448.0201	1953

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EXAMINER

SALCE, JASON P

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 02/19/2003

3

Please find below and/or attached an Office communication concerning this application or proceeding.

B

Office Action Summary

Application No.

09/991,807

Applicant(s)

DUDKIEWICZ ET AL.

Examiner

Jason P Salce

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 11/16/01 has been received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-6, 10-16, 20-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Lawler (U.S. Patent No. 5,758,259).

Referring to claim 1, Lawler discloses receiving data corresponding to a programming event (Column 5, Lines 66-67 and Column 6, Lines 1-2), the data including descriptive information (Column 6, Lines 2-5) and timing information (Column 2, Lines 21-29).

Lawler also discloses analyzing the received data to determine category goodness of fit scores for the programming event corresponding to categories of classification hierarchy (Column 8, Lines 64-67 and Column 9, Lines 1-3 and Table 2).

Lawler also discloses analyzing the received data to determine keywords associated with the programming event (Column 9, Lines 27-32).

Lawler also discloses storing category goodness of fit scores and keywords (see "count" in Table 2) in association with time data (Column 9, Lines 59-66) and descriptive data for the programming event (see "value" in Table 2) as metadata for the programming event (see Table 2). The examiner notes that the Microsoft Computer dictionary defines metadata as "data about data", which is disclosed in Table 2 of Lawler.

Referring to claim 2, Lawler discloses determining respective keyword goodness of fit scores for said determined keywords (Column 9, Lines 7-11).

Referring to claim 3, Lawler discloses determining a representative subset of said determined keywords by a thresholding procedure using said keyword goodness of fit scores (Column 9, Lines 53-57).

Lawler also discloses storing a subset of keywords and corresponding keyword goodness of fit scores as part of the metadata (see Table 2).

Referring to claim 4, Lawler discloses additional characteristics that can be used to also determine goodness of fit scores, therefore defining further subsets of goodness of fit scores (Column 10, Lines 20-29). It is inherent that these values are stored in order to compare them to the other program characteristics as defined in Table 2.

Referring to claim 5, Lawler discloses that the received data comprises program descriptive data (Column 6, Lines 2-6).

Referring to claim 6, Lawler discloses that the received data comprises production data (see Tables 1A and 1B), which includes descriptive information (see Criterion Field in Tables 1A and 1B) and timing information (Column 2, Lines 21-29).

Referring to claim 10, Lawler discloses storing a predetermined number of keywords (see Table 2).

Referring to claims 11-16, and 20, see rejection of claims 1-6, and 10, respectively.

Referring to claim 21, Lawler discloses determining candidate keywords from descriptive data associated with the programming event (see Figure 5 (viewer selects program) and Column 5, Lines 52-59).

Lawler also discloses providing the candidate keywords as input to a classification tool (central control node 12 and Column 5, Lines 66-67 and Column 6, Lines 1-6) configured to generate goodness of fit scores ("Count" column in Table 2) for categories ("Criterion" column in Table 2) of a classification hierarchy (Table 2).

Lawler also discloses selecting keywords from among said candidate keywords based on category goodness of fit scores generated for each of said candidate keywords by the classification tool (see Figures 5 and 6 and Column 8, Lines 45-67 and Column 9, Lines 1-6).

Lawler also discloses storing said selected keywords as a component of metadata for the programming event (see Table 2).

Referring to claim 22, Lawler discloses determining candidate keywords that contain verbs and nouns of said descriptive data (see Table 1C for a verb and noun).

Referring to claim 23, Lawler discloses correlating category goodness of fit scores of the candidate keywords to category goodness of fit scores of the programming event (Column 8, Lines 56-62).

Lawler also discloses discarding candidate keywords having low correlation (Column 8, Lines 36-44).

Referring to claim 24, Lawler discloses eliminating keywords by a thresholding processing using a highest category goodness of fit score associated with each candidate keyword (Column 9, Lines 53-57).

Referring to claim 25, Lawler discloses storing a highest category goodness of fit score associated with each selected keyword as a corresponding keyword goodness of fit score (see Table 2).

Referring to claim 26, Lawler discloses storing a predetermined number of keywords (Column 8, Lines 35-44).

Referring to claims 27-32, see rejection of claims 21-26, respectively.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 7-9 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler in view of Hullinger et al. (U.S. Patent No. 6,295,092).

Referring to claim 7, Lawler discloses all the limitations in claim 6, but fails to teach determining a time and duration of an individual segment of a program. Hullinger discloses breaking a television broadcast into segments, which can later be accessed be referencing the average story length (Column 3, Lines 15-31 and Column 4, Lines

44-56). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art, to modify the central control node 12, as taught by Lawler, using the one or all of the capture machines (14, 16, and 18), as taught by Hullinger, for the purpose of allowing the user to compare and correlate story content and competitive characteristics with rating data (Column 1, Lines 66-67 of Hullinger).

Claim 8 corresponds to claim 7, with the additional limitation of processing the production data to conform to a standard delimited format (see Table I of Hullinger).

Claim 9 corresponds to claim 7, with the additional limitation of the received data further comprising program descriptive data describing the program (see Table II of Hullinger and Table 2 of Lawler).

Referring to claims 17-19, see rejection of claims 7-9, respectively.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sezan et al. (U.S. Patent No. 6,236,395) discloses an audiovisual program analysis module used to take in program information and filter out only programming desired by the user.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P Salce whose telephone number is (703) 305-1824. The examiner can normally be reached on M-Th 8am-6pm (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-5359 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-9048.

January 31, 2003


CHRIS GRANT
PRIMARY EXAMINER